

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

117 Church Road LLC, a Wisconsin limited liability company,)
Plaintiff,) NO. 24 CV 3226
v.)
SHAYNA MELVANI and) Judge: Honorable Sara L. Ellis
VINESH MELVANI,)
Defendants.)

**VILLAGE REALTY and INVESTMENT COMPANY'S
MOTION FOR LEAVE TO INTERVENE PURSUANT TO RULE 24 AND
TO DEPOSIT ESCROW FUNDS PURSUANT TO RULE 67**

Now comes Village Realty and Investment Company ("Village Realty") and in support of its motion for leave to intervene to deposit escrow funds with the Court, states:

1. Rule 24(b)(1)(B) provides that the [C]ourt may permit anyone to intervene who has a claim or defense that shares with the main action a common question of law or fact. Fed. R. Civ. P. 24(b)(1)(B).
2. Rule 67 (a) Depositing Property [states:] If any part of the relief sought is a money judgment or the disposition of a sum of money or some other deliverable thing, a party—on notice to every other party and by leave of court—may deposit with the court all or part of the money or thing, whether or not that party claims any of it. The depositing party must deliver to the clerk a copy of the order permitting deposit. Fed. R. Civ. P. 67 (a).
3. Plaintiff has filed suit against the defendant over a failed real estate transaction.

4. The Defendants have deposited \$20,000 in earnest money with the listing agent, Village Realty, toward that failed deal.

5. The earnest money is currently on deposit in Village Realty's escrow account at Byline Bank in Chicago, IL.

6. Village Realty seeks leave to intervene in this case for the sole purpose of depositing the earnest money with the Court to be held until such time as the Court determines which party is entitled to the funds.

7. Pursuant to the Court's standing Order, counsel for the parties have met and conferred and have been unable to reach an agreement.

Wherefore, Village Realty and Investment Company respectfully requests that the Court enter the following Order:

1. Village Realty is permitted to intervene in this action pursuant to Fed. R. Civ. P. 24(b)(1)(B);
2. Village Realty is permitted to deposit the \$20,000 in earnest money it is currently holding with the clerk of the court pursuant to Fed. R. Civ. P. 67;
3. The funds shall be held by the Clerk until further Ordered by the Court
4. Village Realty shall be discharged from all liability once it has deposited the funds with the clerk;
5. Village Realty shall be entitled to recover costs and reasonable attorney's fees for bringing this motion; and
6. And for such further relief as the Court may deem just and proper under the circumstances of this case.

Respectfully submitted,
Village Realty and Investment Company

By: /s/ Martin J. Murphy
Martin J. Murphy, its' attorney

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CERTIFICATE OF SERVICE

The undersigned, an attorney, states that the foregoing Motion for Leave to Intervene was filed using the courts ECF service. All parties have filed appearances and will be served by the Court's electronic filing system.

By: s/ Martin J. Murphy